

MICHIGAN DEPARTMENT OF CORRECTIONS <b>POLICY DIRECTIVE</b>	EFFECTIVE DATE 03/01/2016	NUMBER 05.02.112
SUBJECT <b>EDUCATION PROGRAMS FOR PRISONERS</b>	SUPERSEDES <b>05.02.112 (04/07/2003)</b>	
AUTHORITY MCL 791.203, MCL 791.233, MCL 791.234(d)		
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**POLICY STATEMENT:**

Education programs shall be provided to prisoners in Correctional Facilities Administration (CFA) institutions as set forth in this policy.

**POLICY:**

GENERAL INFORMATION

- A. The education system facilitates the transition from prison to the community by assisting prisoners in the development of their academic, workplace and social competencies.
- B. A prisoner with a documented disability requiring an accommodation in order to participate in an existing education program may be provided an accommodated education as approved by the Education Manager.

EDUCATION MANAGER

- C. The Education Manager, Reentry Administration, Executive Bureau, is responsible for the overall management of education programs for prisoners. The Education Manager shall:
  1. Provide oversight for the development and delivery of all education programs, curricula, methods and materials.
  2. Administer the education budget, grants, contracts, and all reporting requirements.
  3. Function as General Education Degree (GED) Chief Administrator for the MDOC; direct all MDOC GED Test Centers; contracts, training, emergency plans and personnel; determine actions for disability accommodations, test material security, and confidentiality.
  4. Provide oversight for all education testing, and collaborate with appropriate State and Federal agencies to ensure compliance with all State and Federal testing and reporting requirements.
  5. Assure Education Staff representation on state-wide task forces and other agency committees.
  6. Provide information related to education programs and issues as requested by the MDOC Administration and other agencies, as approved by the MDOC.
  7. Develop long-term plans and allocated education resources.

STRATEGIC EDUCATION PLAN

- D. The Education Manager shall maintain a Strategic Education Plan, subject to the approval of the Director or designee. The plan shall be reviewed at least annually and updated as needed. The plan shall set forth the Department's goals in education programming and how those goals are to be met. Copies of the plan shall be distributed to the Deputy Directors, Assistant Deputy Directors (ADD), Wardens, and Principals for use by education staff.

EDUCATION MANUALS

- E. The Education Manager is responsible for maintaining education manuals, which shall be reviewed and updated as needed. The manuals shall provide information relevant to education services, including

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school administration, education programs and education staffing. Updates shall contain the most current language. The manuals shall be provided to Principals for use by their education staff.

### EDUCATION PROGRAMS

F. The Education Manager will determine all the education programs to be provided at designated MDOC locations, consistent with the needs of the prisoner population, as prioritized in the Strategic Education Plan and funded by State education appropriations or specific grants. The following programs will be provided:

1. Academic Education, including Title I, Fast Track and English as a Second Language (ESL);
2. Special Education;
3. Career and Technical Education (CTE), including State Correctional Opportunities for Rehabilitation and Education (SCORE);
4. Employment Readiness and Workforce Development;

The following programs may be provided:

5. Post Secondary Education;
6. New or revised programs as determined by education research, current trends, or State and Federal requirements.

### EDUCATIONAL QUALITY IMPROVEMENT

G. The Education Manager shall ensure a quality improvement assessment of each institution's education programs and curriculum is conducted at least every three years by an assigned audit team. A written summary of the findings and recommendations shall be submitted to the Education Manager, who shall send the findings to the School Principal. The School Principal in conjunction with the Education Manager will determine if the findings are appropriate. The School Principal, the Education Manager and the Warden will coordinate to determine implementation of corrective action.

### SCHOOL PRINCIPALS

H. Each institution's education program shall be supervised by a School Principal. The School Principal shall:

1. Manage, supervise and organize all education programs and staff.
2. Comply with State and Federal laws and regulations which govern education.
3. Ensure that instructional methods and materials are in accordance with MDOC, State and Federal educational standards.
4. Make recommendations to the advisory committees for curriculum revision, textbooks and other education resources as necessary to meet current needs.
5. Provide educational guidance and counsel to all education staff and prisoners.
6. Provide documentation of education data and information as directed by the Education Manager.
7. Function as a high school equivalency proctor in each school, including responsibility for test security and administration in accordance with national standards.
8. Oversee other test administrations as determined by the Education Manager.

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9. Recommend professional development and other related education activities to the Education Manager.
  10. Manage the allocated school budget, including the report of inaccuracies to the Finance Department in a timely manner.
  11. Implement school schedules with a minimum of 32 hours per week of student-teacher contact time or in accordance with an exception approved by the Education Manager.
  12. Verify prisoner education records.
- I. The reception facility School Principal shall ensure that each prisoner receives a comprehensive education assessment to determine his/her individual needs, aptitudes and/or interests, and makes Education Preparedness and Job Readiness recommendations.
  - J. Both an education file and Workforce Development file shall be created and maintained for each prisoner prior to release. The education data shall be entered into the appropriate databases.
  - K. Prisoners will be placed on academic and/or CTE school pools in the order of priority as designated in Paragraphs U and II.
  - L. Each prisoner will be evaluated by education staff upon initial education enrollment, using the Educational Program Plan (CSJ-363A). This plan shall identify the goals and objectives for the prisoner, and shall be prepared at least quarterly by education staff for active students, and updated as necessary. Upon initial academic enrollment, an Adult Learning Plan (ALP) shall be prepared for each prisoner.
  - M. A prisoner who obtains a high school equivalency certificate/GED or completes a career and technical education program shall be provided formal recognition of that accomplishment (e.g., certificate of completion, graduation, etc.).

#### PRISONER BEHAVIOR

- N. Prisoners are expected to maintain satisfactory performance and behavior while attending school, and will be given reasonable time to improve behavior and/or performance. They may be prohibited from participating in school pending the finding on a Class I misconduct for a rule violation, and may be removed from education programming as a result of:
  1. Progressive discipline, documented by school staff in writing for improper class room behavior,
  2. Failure to maintain satisfactory student ratings,
  3. Refusal to actively participate in educational programming, including testing,
  4. An infraction in the school resulting in a guilty finding on a Class I misconduct, or
  5. Absences in excess of seven (7) consecutive calendar days.

#### ACADEMIC EDUCATION COMPLETION

- O. A prisoner who does not possess a verified high school diploma or high school equivalency certificate/GED shall be placed in an academic class or on a waiting list.
- P. The prisoner is responsible for providing accurate education information and a signed release so that MDOC staff can obtain education records or verifiable documentation of the prisoner's educational history.
- Q. A high school diploma issued by a correspondence school or a school not approved by a state's Department of Education, shall not be considered a verified high school diploma. In compliance with the Michigan Department of Education, Office of Special Education, certificates of completion awarded

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to Special Education students are not considered verified high school diplomas.

- R. All education records received by the Department shall be verified by an MDOC School Principal. The School Principal shall only accept documentation received directly from the following sources:
1. The institution that awarded the completion;
  2. The Michigan Office of Adult Education;
  3. Official GED Test Centers and other state approved high school equivalency test centers;
  4. Other state approved high school equivalency electronic credentialing centers;
  5. The MDOC Offender Education Tracking System (OETS) Education information screen with the name of the School Principal who verified and the date of verification;
  6. The appropriate military records that specifically indicate GED completion;
  7. In lieu of a high school diploma or high school equivalency certificate, an advanced degree, including foreign advanced degrees, is acceptable;
  8. Verified foreign high school completion or the equivalent.
- S. Prisoners who possess a verified high school diploma or high school equivalency certificate may request placement in academic programming. Prisoners serving life sentences may be placed in an academic class if no other prisoners are on the waiting list. However, they may be removed from school without prejudice to make space for higher priority students.
- T. Prisoners are assessed using the Test of Adult Basic Education (TABE) and other testing tools. Prisoners are expected to perform to their ability on these assessments. Failure to properly perform on an assessment test is considered refusal of academic programming and may result in disciplinary action.
- U. Prisoners shall be placed in academic classes in accordance with the following priorities:
1. Special Education eligible prisoners;
  2. Title I eligible prisoners;
  3. Prisoners identified for Fast Track GED;
  4. Prisoners sentenced for a crime committed on or before December 15, 1998;
  5. Other prisoners in chronological order by Earliest Release Date (ERD);
  6. Prisoners with life or long indeterminate sentences.

### SPECIAL EDUCATION

- V. Special education instruction and/or related (transition) services are provided to eligible prisoners under 22 years of age in accordance with Federal law and the MDOC Special Education Plan and policy. These services are provided at designated special education centers. Wardens shall ensure identified eligible prisoners remain at the special education centers, or are transferred to special education centers in accordance with federal requirements.

### TITLE I

- W. Title I is a federally-funded education service offered to prisoners who are under 21 years of age, who do not have a high school diploma or high school equivalency certificate, and who are enrolled in an academic program. Programming for prisoners identified as Title I eligible shall include:

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1. Initial enrollment in academic programming;
2. A minimum of 15 hours per week of education program instruction which shall include academic enrollment, career and technical education programming, and/or supplemental enrollment in employment readiness programming.

#### FAST TRACK

- X. Fast Track prisoners are those identified as being able to complete the GED with minimal instruction. They are given priority placement in academic classes. Specific criteria developed by the Education Manager will identify Fast Track prisoners. They are tested and qualified for GED examination as expeditiously as possible.

#### GED COMPLETION EXEMPTIONS FOR PAROLE CONSIDERATION

- Y. Prisoners sentenced pursuant to MCL 791.233 for a crime committed after December 15, 1998 who received a minimum sentence of two years or more shall not be released on parole unless s/he has either earned a high school diploma or GED certificate. Under this law, the Director or designee may waive the educational restriction to allow a parole.
- Z. ABE/GED programming is not required for prisoners who:
1. Are 65 years of age or older.
  2. Were gainfully employed immediately before committing the crime for which the prisoner is incarcerated as reflected in the pre-sentence investigation report prepared pursuant to PD 06.01.140 "Pre-sentence Investigation and Report." This does not include employment in an illegal activity.
  3. Do not have the necessary proficiency in English to attain a GED certificate. If the prisoner does not have necessary proficiency in English, the Department shall provide English language training for that prisoner so s/he can begin working toward the completion of the requirements for a GED.
  4. Have learning impairments. A learning impairment is defined as a chronic condition hindering the ability to improve academic learning as evidenced by:
    - a. The inability to attain a measurable advancement (i.e., at least a .5 grade level) for reading or math as determined by the TABE in a one year period of continuing classroom time; and,
    - b. A minimum of three documented teaching interventions to improve academic skill development in reading or math.
  5. Are unable to successfully complete the requirements for a GED certificate at no fault of the prisoner's own.

#### DELAY IN PROGRAMMING

- AA. A prisoner who is actively enrolled in academic programming may be referred by educational staff to the school principal for a delay in programming due to being unable to make significant academic progress. To be eligible for referral, the prisoner must meet the following:
1. Be enrolled in academic class cumulatively for no less than 450 hours;
  2. Receive satisfactory work reports, and;
  3. Demonstrate satisfactory/excellent behavior, effort and attendance.

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- BB. Prisoners who are under the age of 22 or potential candidates for GED testing are not eligible for a delay in programming.
- CC. Prisoners serving long indeterminate or life sentences may be considered for a delay in programming without school enrollment if the school has an academic waiting list, with approval of the School Principal.
- DD. The prisoner may be given a routine work assignment during a delay. At the end of six months, a classification review will be conducted, at which time the delay may be renewed or allowed to expire.

GED EXAMINATIONS

- EE. The GED examination shall be administered to prisoners who have demonstrated competency at the GED preparation level, as determined by academic assessment (TABE, post tests, GED practice tests) and education staff. Other prisoners may request to take the GED examination at their own expense as space permits. GED examinations shall be administered at least monthly, or as directed by the Education Manager.

REFUSAL TO PARTICIPATE

- FF. The Warden shall consider a prisoner's refusal to actively participate in required academic programming when deciding whether to grant special good time or special disciplinary credits.

ENGLISH AS A SECOND LANGUAGE (ESL)

- GG. ESL is offered at designated institutions to prisoners for whom English is not their native language and who are functioning below the 5<sup>th</sup> grade reading level. Students functioning at the 5<sup>th</sup> grade English reading level or above shall be enrolled in regular academic classes. School Principals will work with facility transfer coordinators to arrange transfer to an ESL center if a prisoner is determined to need ESL instruction.

CAREER AND TECHNICAL EDUCATION (CTE)

- HH. CTE enables prisoners to prepare for future employment by developing competencies in a specific trade and by practicing job readiness skills. This is accomplished through a systematic program of regular classroom instruction and hands-on training. Career and technical education programs shall be relevant to prisoner needs and employment opportunities in the community and shall provide state and/or national certification opportunities whenever possible. CTE programs may also provide opportunities for service learning projects as approved by the Education Manager or designee and School Principal. All CTE programs are determined and approved by the Education Manager.

- II. Priority for placement shall be given to prisoners who meet the following criteria, in order of preference:
  1. Area transitional special education students whose placement is part of their Individualized Education Plan (IEP) with School Principal approval;
  2. Have an RGC recommendation, Have not previously completed a CTE program and are within three years of their ERD;
  3. Do not have an RGC recommendation, have not previously completed a CTE program, and are within three years of their ERD;
  4. Are within three years of their ERD, have a previous completion, and have School Principal approval;
  5. Are more than three years from their ERD without a previous completion;
  6. Are more than three years from their ERD with a previous completion, with School Principal approval;

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7. Prisoners with life sentences.

#### WORKFORCE DEVELOPMENT PROGRAMS AND SERVICES

- JJ. Employment Readiness programming will be offered to all prisoners within two years of their earliest release date and is designed to enhance prisoners' ability for successful reentry and sustainable employment in the community. Participation in employment readiness programming does not mandate removal from a work assignment.
- KK. Employment counselors are liaisons between prisoners and the community. They maintain the workforce development referral packet and compile records and vital documents including certificates of employability for those who qualify as outlined in MCL 791.234(d).

#### CAREER AND TECHNICAL COUNSELING

- LL. Career interest and aptitude assessment and counseling is provided to assist the prisoners in understanding their employment options and opportunities, in selecting CTE programming within the prisons, and in determining career paths relevant within their communities upon release. The assessment and counseling may be provided at appropriate points during incarceration.

#### POST-SECONDARY EDUCATION

- MM. Colleges shall be permitted to offer programs to prisoners in Correctional Facilities Administration (CFA) institutions, subject to the approval of the CFA Deputy Director or designee. When offered, State funds shall not be used for program tuition or supplies unless appropriated by the legislature. The post secondary institution may donate supplies to the program when approved by the Education Manager. Prior to scheduling the program, the Warden shall ensure classroom space is available for classes to meet, and that custody and safety supervision is maintained.
- NN. At facilities where college programs are offered, prisoners in the general population shall be permitted to seek enrollment. The CFA Classification Section will review applicants for eligibility based on custody and security considerations. The final determination for a prisoner's acceptance into a college program is made exclusively by the college.
- OO. Prisoners also may be allowed to participate in correspondence courses in accordance with PD 05.02.119 "Correspondence Courses."

#### OPERATING PROCEDURES

- PP. Wardens shall ensure that procedures are developed as necessary to implement requirements set forth in this policy directive within 60 calendar days after the effective date.

#### AUDIT ELEMENTS

- QQ. A Primary Audit Elements List has been developed and is available on the Department's Document Access System to assist with self-audit of this policy pursuant to PD 01.05.100 "Self-Audits and Performance Audits."

APPROVED: HEW 01/26/2016